

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, OCTOBER 19, 2006, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Peter R. Partington, City Engineer
Bob Dunckel, Assistant City Attorney III
James Cromar, Planner III
Tony Irvine, City Surveyor
Tom Terrell, Public Works Maintenance Manager
Mark Darmanin, Utilities Distribution and Collections Manager, (substituting for Julie Leonard)
Deborah Hernandez, Community Inspections Supervisor, (substituting for Catherine McCaffrey)
Carol Ingold Mordas, Parks Supervisor

Staff Present:

Victor Volpi, Senior Real Estate Officer
Eileen Furedi, Clerk II
Gene Schlanger, Economic Development Manager, Real Estate
Jolie Reed, Administrative Assistant I
Charles Schweickert, Architect
Tony Servian, Architectural Assistant
Brian McKelligett, Operations Supervisor
Ella Parker, Planning Division
Barbara Howell, WaterWorks 2011

Guests Present:

Gair O'Neill
Rebecca Frisby
Hose Hermo
Stewart Robin
Rueben Eskandarian
Mickey Hinton

Peter Partington called the meeting at 10:10 a.m. and stated that this is a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public right-of-way.

ITEM ONE: **APPROVAL OF SEPTEMBER 21, 2006 MINUTES**

MOTION BY MARK DARMANIN TO APPROVE THE MINUTES. SECONDED BY CAROL INGOLD MORDAS.

Peter Partington asked about Agenda Item Three (3) discussed at the September 21, 2006, Property and Right-of-Way (PROW) meeting. Bob Dunckel said the Committee approved a motion to recommend the acceptance of the application registration. Bob Dunckel stated after registration the applicant would be required to apply for the necessary permits.

MOTION PASSED UNANIMOUSLY.

ITEM TWO: **SURPLUS PROPERTY**

Address or General Location: 704 NW 20 Avenue and 731 NW 19 Terrace

Victor Volpi introduced item stating that Mr. Hinton would like your positive recommendation to surplus the property, as shown on Exhibit A. He said the lot (by itself) is not large enough to be built on. Victor Volpi said the City owns other property across the street. He said Mr. Hinton owns the abutting vacant property to the north and would like to expand his holdings and construct an income property. He introduced Mr. Hinton

Victor Volpi said he received an e-mail from Gene Groves with the CRA, stating the parcel may be used as an entranceway into the Liberty Park/DURRS neighborhood or used as part of whatever the future holds for the City's trash transfer site residing between Sistrunk Boulevard and NW 7 Street; therefore, the parcel should not be surplusd at this time.

Mr. Hinton said he would like to construct an income property and to do so he would like a positive recommendation to surplus the property.

Discussion followed as to the property being located at one of the areas that may require environmental cleanup.

MOTION BY BOB DUNCKEL THAT THE SITE NOT TO BE SURPLUSD AT THIS TIME. SECONDED BY CAROL INGOLD MORDAS.

MOTION PASSED UNANIMOUSLY.

ITEM THREE: **REQUEST TO SURPLUS PROPERTY**

Address or General Location: strip of land to the south of 1601 NE 20 Avenue, on Lake Melba

Victor Volpi introduced item stating that Mr. Hermo would like your positive recommendation to surplus a portion of City owned property at NE 16 Street, near Federal Highway (1601 NE 20 Avenue). He said the property abuts Lake Melva and is used for a fire station and training facility. Victor Volpi said the property Mr. Hermo would like the City to surplus abuts his property and is difficult to access (especially for City cleaning and trimming crews), therefore, he maintains the property himself. Victor Volpi said during the storms trees have fallen that he removed and "repaired". Victor Volpi said the property is being used by children to access the water, via rope swings from

trees and Mr. Hermo has reported injuries in this regard. Victor Volpi introduced Mr. Hermo and Mr. Robin.

Mr. Robin, speaking on behalf of Mr. Hermo, said he had a letter from the previous owner who has owned the property for approximately 27 years. Mr. Robin said the previous owner asked the City to maintain the property numerous times and they have not done so. Mr. Robin stated he has tried various avenues to have the property maintained and the property is being used by children to access the water via rope swings.

Bob Dunckel said the City owns the property Fee Simple, therefore, the City would be responsible for maintaining the site.

Mr. Robin said they have called the police in regard to rope swings found on the property and were told it was not their responsibility. Carol Ingold Mordas said she would give the applicant a City phone number to call for future use wherein the problem would be addressed immediately.

Discussion followed as to the area in question not being large enough to bring in City trucks for tree and debris clean up.

Mr. Robin said he has been removing trees that fell in the lake, as he was told removal was his responsibility. He said the City's tree fell on his home and he had to pay the deductible.

Tony Irvine said since ownership of the parcel was not clear, the site would require a survey and a description written based on the edge of the water.

Discussion followed as to the City maintaining access to lake, as numerous residents in the area utilize it.

Tony Irvine said he believed there was a replat proposed and the City was going to maintain or take an access easement on that plat. Peter said he was not sure.

Peter Partington summarized the discussion stating there were two issues: 1) public use of the area and the City being liable, therefore, restricting public use of the land, and 2) the actual desirability from the Cities perspective of surplusizing the property.

Discussion followed as to the idea of a license agreement, the City wishing to have a clearer understanding of the plat, and the possibility of the City wishing to use the site as a boat ramp or a pocket park.

Tom Terrell said determining the outcome of the site depends on what happened with the fire station and was not comfortable making a decision until the fire station was approved, plated, and all the setbacks were determined.

Mr. Robin said he felt since the City was currently going through a replatting process this would be a good time to plat the proposed site as a residential property. Bob Dunckel said he thought the parcel was zoned CF, which was not residential.

Mr. O'Neill said he was in favor of the applicant's request but claimed he and Ms. Frisby (residents in the area) have been to two prior PROW meetings on behalf of their property located at NE 18 Street and the lake, wherein the Committee did not vote in favor of the request. Peter Partington said he

and Ms. Frisby could come back to the PROW at a later date and argue that there was a precedent set at a prior meeting, if approved.

Bob Dunckel clarified the difference between the two requests, stating if the property located on NE 16 Street was to be surplus or vacated, viable access to the lake would not be affected. Bob Dunckel said he has always felt very strongly about not surplus or vacating any land that prevents public access to a body of water.

Tony Irvine said he would like to hear from the Fire Bond representatives, particularly Mina Samadi with the Economic Development Division, before concurring with the applicant's request. Tom Terrell said permits should be under construction, fire bond issues should be looked at, the property should be defined and the proposed request should come back at a later date with a survey and aerials for Committee review.

MOTION BY BOB DUNCKEL TO DEFER THE REQUEST TO SURPLUS THE SITE UNTIL SUCH TIME AS THE FIRE STATION ISSUES CAME INTO SHARPER FOCUS AND THE COMMITTEE WOULD BE BETTER ABLE TO EVALUATE. SECONDED BY TONY IRVINE.

Peter Partington said he was open to bringing this item back to the PROW after the plat issues were sorted out, and if brought back the Fire Bond representatives should be invited to that meeting.

MOTION PASSED UNANIMOUSLY.

ITEM FOUR: TEMPORARY STAGING AREAS

Address or General Location: 1240 SW 40 Avenue, 15 SW 19 Avenue, 529 Bayshore Drive

Victor Volpi introduced item stating that Barbara Howell would like your positive recommendation to approve three (3) temporary staging areas. He said the City owned property was acquired for green space purposes and the other two are private properties. Victor Volpi said all properties are needed for staging WaterWorks 2011 projects. Victor Volpi introduced Barbara Howell.

1240 SW 40 AVENUE / CITY OWNED:

Bob Dunckel said the proposed property was deeded to the City by the Florida Department of Transportation (FDOT) and the portion of the deed reads as follows: the property herein described is to be used for landscaping, installation of an entry sign in the City... Bob Dunckel said FDOT would have to give their consent with time frames. Bob Dunckel said he believed the site was to be used as a welcome park.

Peter Partington asked Barbara Howell for a time line and an explanation of the project.

Barbara Howell with WaterWorks 2011 introduced Rueben Eskandarian who represented Danella Construction. Barbara Howell said currently there is water and sewer construction on Davie Boulevard and adjoining areas. She said they have a site presently on Davie Boulevard that is 90% filled with materials and they have just been awarded more work from WaterWorks 2011. She said Danella Construction had a difficult time finding vacant properties within the neighborhood for staging, they brought this one to WaterWorks attention and we are trying to acquire permit approval for the construction company to use the site. Barbara Howell said Danella Construction has promised to

return sod and trees to the site and whatever the City would agree to in a Revocable License Agreement.

Barbara Howell explained the permitting process could take approximately 3-5 months. She said if approved, the Property and Right-of-Way (PROW) meeting minutes would have to be included in a packet for Admin review, Zoning review, and the 30-day City Commission call up.

MOTION BY TONY IRVINE TO APPROVE THE SITE FOR STAGING, SUBJECT TO A LETTER FROM FDOT, AND TO BE REVIEWED BY THE CITY ATTORNEY'S OFFICE FOR APPROVAL PRIOR TO GOING FOR SITE PLAN REVIEW AT THE PLANNING AND ZONING DIVISION. SECONDED BY TOM TERRELL.

MOTION AMENDED BY BOB DUNCKEL TO ALLOW ADMIN REVIEW, BUT THAT ADMIN REVIEW FINAL APPROVAL WOULD BE HELD UP PRIOR TO SUBMISSION FOR THE 30-DAY CONDITIONAL CALL UP. SECONDED BY TOM TERRELL.

James Cromar asked about the neighborhood letters. Barbara Howell said the Neighborhood Association was informed by letter and had the opportunity to appear at the PROW meeting.

Ella Parker said due to access issues, the Engineering Division should review the request and signoff prior to Admin review. Peter Partington said Barbara Howell was doing that from Engineering.

Tony Irvine said he would like the civic association to be notified, but PROW Committee approval was not contingent upon the civic association.

MOTION PASSED UNANIMOUSLY.

15 SW 19 AVENUE / PRIVATE PROPERTY:

James Cromar asked if the request was an after the fact permit. Barbara Howell said no. Barbara Howell explained that site trailers would be kept at the site.

MOTION BY BOB DUNCKEL TO APPROVE THE SITE FOR STAGING. SECONDED BY JAMES CROMAR.

MOTION PASSED UNANIMOUSLY.

529 BAYSHORE DRIVE / PRIVATE PROPERTY:

Mark Darmanin asked if there were any additional precautions that should be taken, since the site backs up to the Intracoastal. Barbara Howell said based on what was being stored at the site, they did not distinguish what materials they would have on the southwest corner. Barbara Howell said containers, trucks, and loaders would be stored at the site. Tom Terrell said sediment control along the sea wall would be appropriate.

MOTION BY TONY IRVINE TO APPROVE THE SURPLUS OF THE SITE, SUBJECT TO REVIEW AND SIGNOFF BY KRIS MCFADDEN, ENVIRONMENTAL SUPERVISER, AT SITE PLAN LEVEL I (TO ADDRESS THE POSSIBILITY OF ENVIRONMENTAL ISSUES WITH RUN OFF).

Discussion followed as to how the sediment might interfere with the waterways.

Bob Dunckel suggested discussing those issues with Sharon Miller since she drafted the staging ordinance.

Peter Partington said since the site was on the water there may be more rigorous requirements to place equipment on the property. Bob Dunckel said P & Z review may be required.

MOTION SECONDED BY MARK DARMANIN.

MOTION PASSED UNANIMOUSLY.

ITEM FIVE: VACATION OF ALLEY

Address or General Location: 890 NE 8 Avenue

Victor Volpi introduced item stating that Charles Schweickert, City Architect would like your positive recommendation to vacate the alley shown on Exhibit D, for the purpose of constructing a parks equipment storage building. Victor Volpi introduced Charles Schweickert.

Charles Schweickert said the building was approximately 5500 square feet.

Discussion followed as to the alley in question being retained as part of the same alley that was in Progresso, Block 219.

Bob Dunckel asked who the abutting owners were. Tony Irvine said the City was the owner of the property on both sides. Mark Darmanin asked if there were any utilities at the location. Tony Irvine said he could not find any.

Peter Partington asked how much of the alley would need to be vacated.

Discussion followed as to setback requirements, accommodations for parking, vacating the north part of the alley that was north of Tract A, and the idea of vacating that part of the alley that was in Progresso, Block 219.

Bob Dunckel said he was reluctant to vacate beyond what was being requested, as he did not know how that would affect the abutting property owners.

James Cromar said the Planning Division would be looking for more information as to utilities and there would have to be a case made for why the alley no longer shared a public purpose.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF THE REQUEST TO VACATE THE 7 ½-FOOT ALLEY ABUTING TRACTS A AND B, SUBJECT TO THE UTILITIES DIVISION SIGNOFF.

SECONDED BY MARK DARMANIN.

Yeas: Peter Partington, Bob Dunckel, Tony Irvine, Tom Terrell, Mark Darmanin, Doborah Hernandez, Carol Ingold Mordas.

Nays: James Cromar

MOTION PASSED.

Meeting adjourned at 11:15 a. m.